

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TYLER MILLER,

Plaintiff,

v.

BRIGHTSTAR ASIA, LTD.,

Defendant.

Case No. 20-cv-4849-GBD-JLC

RESPONSE TO LETTER MOTION

In compliance with this Court's Order (Dkt. 36), plaintiff Tyler Miller responds to defendant's Letter Motion (Dkt. 35) as follows:

1. The defendant has requested that discovery be stayed pending disposition of its Motion to Dismiss (Dkt. 30).

2. Plaintiff opposes defendant's Letter Motion, in part.

3. Because the pleadings are not yet closed and issues are not yet joined, Plaintiff agrees that oral discovery is premature at this time. Plaintiff, therefore, does not object to a stay of oral discovery pending the disposition of its Motion to Dismiss and defendant's filing of a responsive pleading.

4. But the pendency of defendant's Motion should not delay the parties' exchange of mandatory disclosures or production of documents identified therein. This is so because (a) defendant's Motion to Dismiss lacks substantial merit (*See* Dkt. 32) and (b) the stay defendant's request will unnecessarily delay the orderly progression of this action. For the same reasons, the pendency of the Motion should

not delay service of interrogatories (other than contention interrogatories) designed to obtain information the parties need to prepare for oral discovery.

5. Accordingly, Plaintiff does not oppose a stay of oral discovery but submits that this Court should set a deadline for an exchange of initial mandatory disclosures and for service of the parties' initial set of interrogatories and requests for production.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via electronic mail on the following:

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on this 3rd day of December 2020.

s/ Eugene N. Bulso, Jr.
Eugene N. Bulso, Jr.